

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISIONUNITED STATES OF AMERICA,
Plaintiff,
vs.JONATHAN E. EDISON,
Defendant.Case: 2:06-cv-15497
Assigned To: Cohn, Avern
Referral Judge: Whalen, R. Steven
Filed: 12-12-2006 At 11:09 AM
CMP USA V. EDISON (DA)**COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

The United States of America, plaintiff, alleges that:

Jurisdiction

1. This Court has jurisdiction over the subject matter of this action pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1335.

Venue

2. The defendant is a resident of Wayne County, Michigan within the jurisdiction of this Court and may be served with service of process at Detroit, MI.

The Debt

3. The debt owed the United States of America is as follows:

A. Current Principal (<i>after application of all prior payments, credits, and offsets</i>)	\$10,214.24
B. Current Capitalized Interest Balance and Accrued Interest	\$3,598.57
C. Administrative Fee, Costs, Penalties	\$0.00
D. Credits previously applied (<i>Debtor payments, credits, and offsets</i>)	\$0.00
Total Owed	\$13,812.81

The Certificate of Indebtedness, attached as Exhibit "A", shows the total owed excluding attorney's fees and CIF charges. The principal balance and the interest balance shown on the Certificate of Indebtedness is correct as of the date of the Certificate of Indebtedness after application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate of 6.100% per annum.

Failure to Pay

4. Demand has been made upon the defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

WHEREFORE, United States of America prays for judgment:

- A. For the sums set forth in paragraph 3 above, plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and post-judgment interest pursuant to 28 U.S.C. § 1961 and that interest on the judgment be at the legal rate until paid in full;
- B. For attorneys' fees to the extent allowed by law; and,
- C. For such other relief which the Court deems proper.

Respectfully submitted,

SHERMETTA, ADAMS & VON ALMEN, P.C.

Dated: November 29, 2006

By:

Deborah A. Banfill (P63179)
Attorneys for Plaintiff
P.O. Box 80883
Rochester, Michigan 48308
Telephone No.: (248) 652-8200
Facsimile No.: (248) 652-4586

U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS

Jonathan E Edison

Detroit, MI

SSN: [REDACTED]-1383

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 06/22/06.

On or about 11/21/96, 12/01/97 and 4/12/98, the borrower executed promissory note(s) to secure loan(s) of \$1,500.00, \$4,000.00 and \$4,000.00, from the U.S. Department of Education at a variable interest rate to be established annually. This loan was made by the Department under the William D. Ford Federal Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087a et. seq. (34 CFR Part 685). The Department demanded payment according to the terms of the note(s), and the borrower defaulted on the obligation on 05/25/01. The Department has credited \$120.79 from all sources, including Treasury Department offsets, if any to the balance. After application of these payments, the borrower now owes the United States the following:

Principal	\$10,214.24
Interest:	\$3,325.44
Administrative/Collection Costs:	\$0.00
Late Fees:	\$0.00
Total debt as of 06/22/06:	\$13,539.68

Interest accrues on the principal shown here at the rate of rate of 6.10% per annum and a daily rate of \$1.71 through June 30, 2006 and thereafter at such rate as the Department establishes pursuant to section 455 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087d.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 7/14/06

Name: Deloris Gorham

Title: Loan Analyst

Branch: Litigation



CIVIL COVER SHEET

COUNTY IN WHICH ACTION AROSE: WAYNE D-26163

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I.(a) PLAINTIFFS

UNITED STATES OF AMERICA

COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(b)

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS

SHERMETTA, ADAMS & VON ALLMEN, P.C.
BY: Deborah A. Banfill (P63179)
P.O. BOX 80883
ROCHESTER HILLS, MI 48308
(248) 652-8200

DEFENDANT(S)

JONATHAN E. EDISON
250 E Harbortown Dr.
Detroit, MI 48207-5027

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Wayne D-26163
(IN U.S. PLAINTIFF CASE ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE
AGENCY/LOCATION OF THE TRACT OF LAND INVOLVED.

Case: 2:06-cv-15497

Assigned To: Cohn, Avern

Referral Judge: Whalen, R. Steven

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CMP USA V. EDISON (DA)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff
 2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP (PLACE AN "X" IN ONE BOX ONLY)

Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

PLAINTIFF AND ONE BOX FOR DEFENDANT
PTF DEF
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

PTF DEF
□ 4 □ 4
□ 5 □ 5
□ 6 □ 6

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or ReopenedTransferred from
□ 5 another district
(specify) 6 Multidistrict LitigationAppeal to District
Judge from
□ 7 Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Med. Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 366 Personal Injury-Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employer Liability	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 345 Marina Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth In Lending	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 490 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 510 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 370 CIVIL RIGHTS	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/> 520 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 730 Labor/Mgmt Reporting and Disclosure Act	<input type="checkbox"/> 530 Economic Stabilization Act
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 520 HABEAS CORPUS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 540 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 550 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Rel. Inc. Security Act	<input type="checkbox"/> 560 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other Civil Rights	<input type="checkbox"/> 800 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 570 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 555 Prison Conditions	<input type="checkbox"/> 811 IRS-Third Party	<input type="checkbox"/> 580 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability			<input type="checkbox"/> 76 USC 7009	<input type="checkbox"/> 590 Other Statutory Actions
<input type="checkbox"/> 250 All Other Real Property				

VI. COA (CITE THE U.S. STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

RECOVERY OF DEBT OWED TO THE UNITED STATES PURSUANT TO 28 USC §3001, ET SEQ.

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23 CLASS ACTION

DEMAND \$13,812.81

CHECK YES only if demanded in complaint:
JURY DEMAND: YES
 NO

VII. RELATED CASE(S) IF ANY

(See Instructions) JUDGE: _____ DOCKET NUMBER: _____

DATE

November 29, 2006

SIGNATURE OF ATTORNEY OF RECORD

Deborah A. Banfill (P63179)

FOR OFFICE USE ON

RECEIPT # _____ AMOUNT _____

APPLYING IFFP _____ JUDGE _____

MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously discontinued or dismissed? YES NO

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.) YES NO

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

NOTES: